THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITON NO. 9854 OF 1997

DATED: 05-07-2006

BETWEEN:

Kurpaiah, S/o.
David

… Petitioner

And

Government of A.P., rep. by its
Principal Secretary, R & B Department,
Secretariat, Hyderabad and
two others

…Respondents

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ORDER:

It is the case of the petitioner that he was initially appointed on 14-09-1960 on consolidated pay of Rs.60/- per month and his appointment was regularized by the Executive Engineer by proceedings dated 30-04-1966. As per the orders of the Government in G.O.Ms.No.130, Irrigation & CAD (Serv.V) Department, dated 18-03-1981, the service of the petitioner were regularized after completion of 10 years of service. It is the case of the petitioner that he is only a workman and therefore, he is entitled to continue in service till the age of 60 years, but he was made to retire illegally at the age of 58 years only.

In the counter, it is stated that he is not a workman, but his services fall under the supervisory services as his scale was over and above the attender. The Government also omitted Work Inspectors Gr.

I to Gr. V as they fall under Superior Category. The duties and functions of the Work Inspectors in P.W.D. Department is that of supervisory in nature and therefore, his services only fall under the category of workmen and therefore, he is not entitled to continue in service till the age of 60 years.

Having regard to the facts and circumstances of the case, I am of the opinion that the petitioner being a State Government Employee and as the service matters have to be dealt with by A.P. State Administrative Tribunal, he is not entitled to seek any relief either with regard to the extension of the age of retirement or with regard to the question whether he was a workman on the ground that his services were regularized.

For the aforesaid reasons, I am of the opinion that the writ petition is not maintainable. However, the petitioner retired long back and since no interim relief was granted during the pendency of the writ petition, the same is liable to be dismissed.

Accordingly, writ petition is dismissed. No order as to costs.

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V. ESWARAIAH, J.

Dated: 05-07-2006
RNS